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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

Arizona Corporation Commission

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DARCY PFEIFER,

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DOCKET NO. E-01345A-16-0041

Complainant,

vs.

ARIZONA PUBLIC SERVICE COMPANY,

Respondent.

PROCEDURAL ORDER
(Sets Procedural Conference)

BY THE COMMISSION:

On February 2, 2016, Darcy Pfeifer (“Complainant”) filed with the Arizona Corporation Commission (“Commission”) a Formal Complaint (“Complaint”) against Arizona Public Service Company (“APS”), requesting that APS: (1) conduct an audit of the Complainant’s energy usage from June 11, 2011 to January 5, 2016; (2) refund any overpaid amount discovered as a result of the audit; and (3) reimburse Complainant for damage done to Complainant’s equipment by APS technicians.

On February 29, 2016, APS filed an Answer to Formal Complaint and Motion to Dismiss (“MTD”).

On March 18, 2016, by Procedural Order, a procedural conference was scheduled to commence on May 2, 2016, and Complainant was directed to file a response to APS’s MTD by April 15, 2016.

On March 30, 2016, APS filed a Consent to Email Service.

On April 1, 2016, a Procedural Order was issued granting APS’s consent to email service.

On April 21, 2016, by Procedural Order, the Complainant was directed to file a response to APS’s MTD by April 29, 2016, after failing to meet the original filing deadline of April 15, 2016.

On April 28, 2016, Complainant filed a request for an extension of time to respond to APS’s MTD and to move the procedural conference to a later date, stating, among other things, that: (1)

1 Complainant needed additional time to consult with an attorney to file a response to the MTD, and (2)
2 Complainant had appointments related to health issues scheduled for the same day as the procedural
3 conference.

4 On April 29, 2016, a Procedural Order was issued granting Complainant's request for an
5 extension of time until June 16, 2016, to respond to APS's MTD, and vacating the procedural
6 conference scheduled for May 2, 2016.

7 On June 13, 2016, Complainant filed a second motion for an extension of time ("Motion"),
8 reiterating Complainant has ongoing health issues and that Complainant needed to obtain legal counsel
9 to file a response to APS's MTD.

10 On June 14, 2016, a Procedural Order was issued granting Complainant's request for an
11 extension of time until August 15, 2016, to respond to APS's MTD.

12 On August 15, 2016, Complainant filed a response to APS's MTD.

13 The **Commission has determined that the Utilities Division shall automatically be deemed**
14 **to have consented** to email service in any case in which it is a party.¹ In addition, the **Commission**
15 **requests that parties cease providing courtesy copies** of their filings to the Hearing Division.

16 Accordingly, a procedural conference should be held to discuss an appropriate procedural
17 schedule in this matter.

18 IT IS THEREFORE ORDERED that **a procedural conference in this matter shall be held**
19 **on October 4, 2016, at 10:00 a.m.** or as soon thereafter as is practicable, at the Commission's offices,
20 1200 West Washington Street, Hearing Room No. 1, Phoenix, AZ.

21 IT IS FURTHER ORDERED that **Staff is directed to appear** for the procedural conference on
22 October 4, 2016, at 10:00 a.m. for potential mediation purposes.

23 IT IS FURTHER ORDERED that the parties should be prepared to discuss a procedural
24 schedule to be followed in this matter.

25 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
26 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

27 _____
28 ¹ In cases that do not involve the Commission's Securities Division, the Commission's Legal Division shall be included
as counsel for the Commission Division involved in the case.

1 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
3 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
4 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
5 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
6 Law Judge or Commission.

7 IT IS FURTHER ORDERED that the Commission's **Utilities Division is deemed to have**
8 **consented to email service for this docket using the following email address/es:**
9 **JAlward@azcc.gov and TBroderick@azcc.gov.**

10 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
11 **Order Regarding Consent to Email Service** issued in this matter on **March 18, 2016**, for additional
12 information regarding the process to consent to service by email. Information regarding Consent to
13 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
14 Service Consent."

15 FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive
16 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

17 DATED this 2nd day of September, 2016.

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21 SASHA PATERNOSTER
22 ADMINISTRATIVE LAW JUDGE
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On this 2nd day of September, 2016, the foregoing document was filed with Docket Control as a Procedural Order – Sets Procedural Schedule/Conference, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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Consent to Service by Email

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Consented to Service by Email

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